

Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-3, 5-19, 21-27, and 29-34 are pending in the application. No claims have been allowed. Claims 1, 19, 21, 22, 23, 24, 27, 29, 30, and 34 are independent. Claim 34 has been amended. Claim 20 has been canceled without disclaimer and without prejudice to pursuing in a continuing application.

Cited Art

The Action applies the following cited art: U.S. Patent No. 6,836,651 to Segal et al. ("Segal") and U.S. Patent Application No. 2002/0038369 to Sung et al. ("Sung").

§ 102 Rejection

The Action rejects claims 23-27 and 34 under 35 U.S.C. § 102(e) as being anticipated by Sung. Applicant respectfully submits that the claims are allowable over the cited art. To establish a *prima facie* case of anticipation, the cited art must show each and every element as set forth in a claim. MPEP § 2131.01.

Claims 23 and 27

Claim 23 reads as follows (emphasis added):

A method of activating an *unactivated mobile wireless device*, the method comprising:

establishing a connection between the unactivated mobile wireless device and a user interface generator operable to *receive from the unactivated mobile wireless device an indication of services desired*;

Claim 27 reads as follows (emphasis added):

In an *unactivated mobile wireless device*, a method of connecting to a server computer to activate the unactivated mobile wireless device, the method comprising:

...

accepting input from a user of the unactivated mobile wireless device, *via an electronic user interface presented by the unactivated mobile wireless device*, specifying one or more selected service options related to activation;

Sung's description of an internet interface service for connecting mobile terminals to the internet does not teach or suggest the above-cited language of claims 23 and 27, respectively. Sung describes that a "mobile terminal may be a notebook computer, a palm top computer, a network computer, a PDA, or the like." Sung, [0010]. Sung describes that a separate network "interface unit comprises: a connection terminal or a connection unit, such as a LAN cable to which the mobile terminal is to be connected, or a LAN cable to which a LAN card is connected; a communication unit ...; a settlement unit ...; an output unit" Sung, [0011]. For example, Sung describes that the interface unit can be part of a "booth in a public place" such as in an airport, conference room, etc. Sung, [0008] and [0009]. When a user of the mobile terminal (e.g., a notebook computer) wants to connect to the internet, the user connects the mobile terminal to the interface unit via a LAN cable or LAN card with a LAN cable. Sung, [0008] and [0031]. Connecting the mobile terminal to the interface unit via the LAN cable opens a communication port, but the user must insert "settlement medium" (e.g., a credit card) into the interface unit (into the settlement unit 25 of the interface unit) before the user's mobile terminal can communicate with the internet. Sung, [0033]. Once the user's settlement medium is approved (via the settlement server 3), the interface unit receives a dynamic IP address which it assigns to the mobile terminal, and the mobile terminal can then communicate with the internet. Sung, [0034].

Sung does not teach or suggest an "*unactivated mobile wireless device*" as recited by claims 23 and 27. Instead, Sung describes a "mobile terminal" connected to an interface unit via a *LAN cable*. Sung, [0027] and [0031]. Therefore, Sung does not teach or suggest that the mobile terminal can be an "unactivated mobile wireless device."

The only wireless functionality described by Sung is the "second communication unit 23" of the interface unit, which "may be a wireless communication unit." Sung, [0025]. However, the "second communication unit 23" of Sung is not the communication unit that connects to the mobile terminal (which is via the LAN cable), but is rather the communication unit that allows the interface unit to communicate with the internet. *Id.* Regarding the connection to the mobile terminal (via the first communication unit 22), Sung explicitly states that the mobile terminal is connected via a LAN cable.

In addition, regarding claim 23, Sung does not teach or suggest "establishing a connection between the unactivated mobile wireless device and *a user interface generator operable to receive from the unactivated mobile wireless device an indication of services*

desired” as recited by claim 23. Sung describes that the user interacts with the interface unit (LCD 27, settlement unit 25, output unit 26, etc.) in order to establish service (to submit payment, settle charges, view usage and connection information, etc.). Sung, [0024] and [0033]. Because Sung describes receiving service information from the interface unit, and not the mobile terminal, Sung does not teach or suggest “establishing a connection between the unactivated mobile wireless device and a user interface generator operable to receive from the unactivated mobile wireless device an indication of services desired” as recited by claim 23.

Regarding claim 27, Sung does not teach or suggest “accepting input from a user of the unactivated mobile wireless device, *via an electronic user interface presented by the unactivated mobile wireless device*, specifying one or more selected service options related to activation.” As described above, Sung describes that the user interacts with the interface unit, not the mobile terminal, to establish service. Instead of “accepting input from a user of the unactivated mobile wireless device, *via an electronic user interface presented by the unactivated mobile wireless device*” as recited by claim 27, Sung describes receiving input via the interface unit.

For at least these reasons, Sung does not teach or suggest all limitations of claims 23 and 27, respectively. Therefore, claims 23 and 27 should be allowable.

Claims 24 and 34

Claim 24 reads as follows (emphasis added):

placing indicia of information for activating the mobile wireless device with a distribution package comprising the mobile wireless device; and

...

wherein receipt of the indicia can be achieved via a web browser interface or via a user interface of the mobile wireless device.

Amended claim 34 reads as follows (emphasis added):

*an unactivated mobile wireless device; and
indicia of data operable for activating the device via an electronic user interface presented by the device itself when the data is provided to an activation server via the device and operable for activating the device via a wired web session when the data is provided to the activation server via the wired web session.*

Support for the amendment to claim 34 can be found, for example, in the Application at page 18, line 16 to page 19, line 9, page 23, lines 5-15, and original claim 4.

As discussed above with regard to claims 23 and 27, Sung does not teach or suggest a “mobile wireless device” as recited by claims 24 and 34.

Regarding claim 24, Sung does not teach or suggest “placing indicia of information for activating the mobile wireless device with a distribution package comprising the mobile wireless device.” In fact, Sung contains no description of a distribution package comprising a mobile wireless device. Furthermore, Sung does not teach or suggest receipt of the indicia “via a user interface of the mobile wireless device.” Instead, as described above with regard to claims 23 and 27, Sung describes that the user interacts with the interface unit, not the mobile terminal, to establish service.

Regarding claim 34, Sung does not teach or suggest “indicia of data operable for activating the device via an electronic user interface presented by the device itself when the data is provided to an activation server via the device.” Instead, as described above with regard to claims 23 and 27, Sung describes that the user interacts with the interface unit, not the mobile terminal, to establish service.

For at least these reasons, Sung does not teach or suggest all limitations of claims 24 and 34, respectively. Therefore, claims 24 and 34 should be allowable.

Dependent claims 25 and 26

Claims 25 and 26 depend on claim 24. Thus, for at least the reasons set forth above with regard to claim 24, claims 25 and 26 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 25 and 26.

§ 102 Rejection

The Action rejects claims 1-3, 19-27, and 29-34 under 35 U.S.C. § 102(e) as being anticipated by Segal. Applicant respectfully submits that the claims are allowable over the cited art. To establish a *prima facie* case of anticipation, the cited art must show each and every element as set forth in a claim. MPEP § 2131.01.

Claims 1 and 19

Claim 1 reads as follows (emphasis added):

receiving an indication of one or more subscriber-desired services,
*wherein the subscriber-desired services are selected by the subscriber via an
electronic user interface, wherein the electronic user interface comprises a user
interface presented by the mobile wireless device;*

Claim 19 reads as follows (emphasis added):

receiving an indication of one or more subscriber-desired services,
*wherein the subscriber-desired services are selected by the subscriber via an
electronic user interface, wherein the electronic user interface comprises a user
interface presented by the mobile wireless device;*

Segal's description of authorizing communication using communication units does not teach or suggest "*wherein the subscriber-desired services are selected by the subscriber via an electronic user interface, wherein the electronic user interface comprises a user interface presented by the mobile wireless device*" as recited by claims 1 and 19. Segal describes a portable cellular phone that uses pre-paid communication units to allow authorized access to communication. Segal, col. 9, line 64 to col. 10, line 15. Segal describes an authentication server (element 42 in Fig. 2) that authorizes connections for cellular phones based on receipt of pre-paid communication units. Segal, col. 12, lines 41-48. Segal also describes a voice recognition system (element 44 in Fig. 2) that allows a user to operate the cell phone using voice commands (e.g., to dial a phone number and access stored messages). Segal, col. 12, lines 48-57 and col. 13, lines 1-9. According to Segal, a cell phone is "unactivated" when it is turned off, and the cell phone is "activated" when the user turns the phone on (e.g., by flipping the phone open or using an on/off switch). Segal, col. 15, lines 27-41. Segal further describes that when the cell phone is turned on ("activated"), the cell phone is "automatically activated" by transmitting information to the service provider or system server to obtain authorized prepaid access. Segal, col. 15, line 66 to col. 16, line 25. Once an authorized connection has been established via automatic activation, a user can call using the voice recognition system. *Id.*

Instead of "receiving an indication of one or more subscriber-desired services, wherein the subscriber-desired services are selected by the subscriber via an electronic user interface, wherein the electronic user interface comprises a user interface presented by the mobile wireless device" as recited by claims 1 and 19, Segal describes automatic "activation" which is accomplished automatically by turning on the cell phone and transmitting information (the pre-

paid communication units) to the system server. Segal does not teach or suggest subscriber-desired services that are “selected by the subscriber via an electronic user interface” presented by the mobile wireless device, as recited by claims 1 and 19.

The Examiner cites to Segal (Fig. 1, element 24, and the corresponding description) as teaching the above-cited language of claims 1 and 19. Action, p. 3. However, element 24 of Fig. 1 of Segal is a “base station” allows communication between the system server and the cell phone. This section of Segal has no description of the above-cited language of claims 1 and 19.

For at least these reasons, Segal, does not teach or suggest all limitations of claims 1 and 19, respectively. Therefore, claims 1 and 19 should be allowable.

Claims 21 and 29

As described above with regard to claims 1 and 19, Segal does not teach or suggest “means for receiving communications from the mobile wireless device whereby a subscriber can select desired services via a user interface of the mobile wireless device” as recited by claim 21. Instead, Segal describes automatic activation which is accomplished automatically by turning on the cell phone and transmitting information (the pre-paid communication units) to the system server.

With regard to claim 29, Segal does not teach or suggest “in the system, receiving at least one directive originating from a non-wireless web browser system” because Segal only describes receiving activation directives automatically from the cell phone, and not “originating from a non-wireless web browser system” as recited by claim 29.

For at least these reasons, Segal, does not teach or suggest all limitations of claims 21 and 29, respectively. Therefore, claims 21 and 29 should be allowable.

Claim 22

As described above with regard to claims 1 and 19, Segal does not teach or suggest “receiving from a user of the unactivated mobile wireless device via a user interface presented by the unactivated mobile wireless device an indication of services desired by the user” as recited by claim 22. Instead, Segal describes automatic activation which is accomplished automatically by turning on the cell phone and transmitting information (the pre-paid communication units) to the system server. Therefore, claim 22 should be allowable.

Claims 23 and 27

As described above with regard to claims 1 and 19, Segal does not teach or suggest “establishing a connection between the unactivated mobile wireless device and a user interface generator operable to receive from the unactivated mobile wireless device an indication of services desired” as recited by claim 23. Instead, Segal describes automatic activation which is accomplished automatically by turning on the cell phone and transmitting information (the pre-paid communication units) to the system server. Segal never describes a “user interface generator operable to receive from the unactivated mobile wireless device an indication of services desired” as recited by claim 23.

With regard to claim 27, Segal does not teach or suggest “accepting input from a user of the unactivated mobile wireless device, via an electronic user interface presented by the unactivated mobile wireless device, specifying one or more selected service options related to activation” because Segal only describes receiving activation directives automatically from the cell phone, and not “via an electronic user interface presented by the unactivated mobile wireless device” as recited by claim 27.

For at least these reasons, Segal, does not teach or suggest all limitations of claims 23 and 27, respectively. Therefore, claims 23 and 27 should be allowable.

Claim 24

As described above with regard to claims 1 and 19, Segal does not teach or suggest “wherein receipt of the indicia can be achieved via a web browser interface or via a user interface of the mobile wireless device” as recited by claim 24. Instead, Segal describes automatic activation which is accomplished automatically by turning on the cell phone and transmitting information (the pre-paid communication units) to the system server. Segal never describes receiving “indicia of information for activating the mobile wireless device” via “a web browser interface or via a user interface of the mobile wireless device” as recited by claim 24. Instead of using a web browser interface or a user interface of a cell phone, Segal describes that the automatic activation information is transmitted automatically when the phone is turned on.

For at least these reasons, Segal, does not teach or suggest all limitations of claim 24. Therefore, claim 24 should be allowable.

Claim 30

As described above with regard to claims 1 and 19, Segal does not teach or suggest “receiving user selections via the user interfaces at the wireless mobile device” for completing activation, as recited by claim 30. Instead, Segal describes automatic activation which is accomplished automatically by turning on the cell phone and transmitting information (the pre-paid communication units) to the system server. Therefore, claim 30 should be allowable.

Claim 34

As described above with regard to claims 1 and 19, Segal does not teach or suggest “indicia of data operable for activating the device via an electronic user interface presented by the device itself when the data is provided to an activation server via the device and operable for activating the device via a wired web session when the data is provided to the activation server via the wired web session” because Segal only describes receiving activation directives automatically from the cell phone, and not “via an electronic user interface presented by the device itself when the data is provided to an activation server via the device” as recited by claim 34. Therefore, claim 34 should be allowable.

Dependent claims 2, 3, 25, 26, 31-33,

Claims 2 and 3 depend on claim 1. Thus, for at least the reasons set forth above with regard to claim 1, claims 2 and 3 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 2 and 3.

Claims 25 and 26 depend on claim 24. Thus, for at least the reasons set forth above with regard to claim 24, claims 25 and 26 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 25 and 26.

Claims 31-33 depend on claim 30. Thus, for at least the reasons set forth above with regard to claim 30, claims 31-33 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 31-33.

§ 103 Rejections

The Action rejects claims 5-18 under 35 U.S.C. § 103(a) as unpatentable over Segal in light of well-known features of the art. Applicant respectfully submits the claims are allowable over the cited art.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142. Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. MPEP § 2143.01.

Applicant respectfully disagrees with the Examiner's reasoning and characterization of the claims and the teaching of the art. The Examiner has not presented any evidence to support the assertion that claims 5-18 are well-known in the art. Furthermore, the only feature that appears to be alleged by the Examiner as well-known in the art appears to be "the communication device is structurally integrated with communication device" (Action, page 6), which does not appear in any of claims 5-18. As stated by MPEP § 2144.03(B):

Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See Lee, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection).

According to MPEP § 2144.03, Applicant demands that the Examiner produce evidence to support the assertion.

Applicant also notes that claims 5-18 depend on claim 1. Thus, for at least the reasons set forth above with regard to claim 1, claims 5-18 should be in condition for allowance.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephonic interview. It is

believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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